IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

CRP.No. 825 of 2006()

OP.ELE.311/1995 of I ADDL.DISTRICT COURT, ERNAKULAM

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REVN. PETITIONER: RESPONDENTS

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1. THE KERALA STATE ELECTRICITY BOARD,
   REP. BY ITS SECRETARY,
   VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
   WORLD BANK PROJECT, KERALA STATE ELECTRICITY BOARD
   TRICHUR-4.

BY ADV. SRI.K.S.ANIL, SC, KSEB

RESPONDENTS: PETITIONER

MR.K.C.ESTAPPAN, S/O.CHACKO,
KOTTIYANIKKARA HOUSE, VARAPETTY VILLAGE,
KOTHAMANGALAM TALUK.

BY ADV. SRI.A.V.THOMAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO. 3034/06 IN CRP 825/06

DISMISSED

14/12/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

C.M.APPL.NO.870 OF 2006
and
C.R.P .NO.825 OF 2006

Dated 14th December 2006

O R D E R

Revision petition was filed challenging the order in Electricity O.P.311/95 whereuner an additional compensation of Rs.3,69,987.39 was awarded as per order dated 6/1/2003. This revision was filed only on 25/8/2006 with C.M.Appl.No.870/06 to condone the delay of 1230 days in filing the revision. Respondent filed counter contending that there is no reason to condone the delay and petition is only to be dismissed.

2. Learned counsel appearing for petitioner and respondent were heard.

3. Even as per affidavit filed along with C.M.Appln.870/06 certified copy of the order challenging the revision was received by petitioner as early as 18/2/2003. There is no valid or sufficient explanation for the delay thereafter. What is stated in the affidavit filed by Assistant Executive

Engineer, K.S.E.B was that counsel appearing for petitioner sent certified copy with his opinion to the Board and Board accorded sanction for filing the revision and there was some delay in transmitting the copies of lower court records and hence some delay occurred in filing the revision and it is due to administrative reasons. As rightly pointed out by learned counsel appearing for respondent how the delay occurred after the sanction given for filing the revision was not even mentioned in the affidavit. The date on which sanction was given was also not mentioned. What prevented the Board from filing a revision thereafter was also not mentioned. In such circumstances, inordinate delay of more than 1000 days, after getting certified copy of the order and getting sanction from the Board to file revision, cannot be condoned for the reasons stated in the petition. It is submitted by learned counsel appearing for respondent that he had already executed the award and realised the amount. In such circumstances, petition to condone the delay and the revision petition are dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.